

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

SENTRY INSURANCE A MUTUAL
COMPANY AS SUBROGEE OF
H&R PARTS CO., INC.,

Plaintiff,

v.

No. 20-1004-SAC-TJJ

TPI CORPORATION and
CHROMALOX, INC.,

Defendants.

MEMORANDUM AND ORDER

The case comes before the court on the motion (ECF# 57) by the plaintiff Sentry Insurance A Mutual Company as subrogee of H&R Parts Co., Inc. ("Sentry") for leave to file under seal its response to the defendant Chromalox, Inc.'s ("Chromalox's") motion to dismiss for lack of jurisdiction (ECF# 42). To its response, Sentry attaches the deposition of Bruce Barnes, Chromalox's Vice President of Professional Services, and certain exhibits used in that deposition. On December 2, 2020, the court entered an order giving Chromalox ten days to file its position on sealing Sentry's response and the attached deposition/exhibits and to demonstrate any alleged harm from publicly filing any matters for which sealing was requested.

Chromolax timely responded requesting only two documents from the plaintiff's motion to be sealed, Exhibit 3 to the deposition, a

"confidential customer list," [ECF# 57-2, pp. 24-26] and Exhibit 4 to the deposition, "confidential sales information," [ECF# 57-2, p. 28]. ECF# 59, p. 1. Chromolox also notes that Sentry's filing of Barnes' entire deposition runs afoul of D. Kan. Rule 5.4.5(b)(1).

Upon reviewing Exhibits 3 and 4 to Barnes' deposition and weighing Chromolox's arguments for sealing, the court shall grant the motion for leave to seal these two exhibits and denies the request to seal all other matters in the plaintiff's motion. Exhibits three and four qualify as sensitive business information which if publicly disclosed would be reasonably expected to harm Chromolox's business interests. Chromolox has articulated a real and substantial interest that justifies depriving public access to this confidential business information. The court further finds that the public's interest in understanding the court's reasoning and decision will not be not seriously compromised by sealing these documents.

IT IS THEREFORE ORDERED that Sentry's motion for leave to file under seal (ECF# 57) is granted as to exhibits three and four to Barnes' Deposition and is denied as to the other attachments to its motion.

Dated this 10th day of December, 2020, Topeka, Kansas.

/s Sam A. Crow
Sam A. Crow, U.S. District Senior Judge